

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MR. DEWITT SMITH, JR., )  
Petitioner, )  
                        )  
                        )  
vs.                     )       Civil Action No. 10-1747  
                        )  
                        )  
ROBERT E. DUIOR, Judge Allegheny )  
County, Pa., et al., )  
Respondents.             )

O R D E R

AND NOW, this 28th day of April, 2011, after the petitioner, Dewitt Smith, Jr., filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 11), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner Dewitt Smith, Jr. (Docket No. 1) is dismissed for petitioner's failure to prosecute.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Terrence F. McVerry  
United States District Judge

cc: Dewitt Smith, Jr.  
1300 Wood Street .  
Wilkinsburg, PA 15221-2001